

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS
MACHINES CORPORATION,
Plaintiff,

v.

THE PRICELINE GROUP INC., et al.,
Defendants.

§
§
§
§
§
§
§
§
§
§
§

Civil Action No. 15-cv-00137-LPS-CJB

DEFENDANTS' MOTION TO DISMISS

Defendants KAYAK Software Corporation, OpenTable Inc., The Priceline Group Inc., and Priceline.com LLC (collectively "Defendants") jointly move to dismiss this action pursuant to Federal Rule of Civil Procedure 12(b)(6).

The specific grounds are set forth in the Memorandum of Law in Support of Defendants' Motion to Dismiss accompanying the filing of this Motion.

Dated: May 4, 2015

/s/ Francis DiGiovanni

Francis DiGiovanni (#3189)
Thatcher A. Rahmeier (#5222)
DRINKER BIDDLE & REATH LLP
222 Delaware Avenue, Suite 1410
Wilmington, DE 19801
Telephone: (302) 467-4200
francis.digiovanni@dbr.com
thatcher.rahmeier@dbr.com

Dan D. Davison
NORTON ROSE FULBRIGHT US LLP
2200 Ross Ave., Suite 3600
Dallas, TX 75201
Tel: 214.855.8000
Fax: 214.855.8200
dan.davison@nortonrosefulbright.com

Richard S. Zembek
NORTON ROSE FULBRIGHT US LLP
Fulbright Tower
1301 McKinney, Suite 5100
Houston, TX 77010
Tel: 713.651.5283
Fax: 713.651.5246
richard.zembek@nortonrosefulbright.com

Gilbert A. Greene
NORTON ROSE FULBRIGHT US LLP
98 San Jacinto Boulevard, Suite 1100
Austin, TX 78701
Tel: 512.474.5201
Fax: 512.536.4598
bert.greene@nortonrosefulbright.com

*Attorneys for Defendants The Priceline
Group Inc., Priceline.com LLC, KAYAK
Software Corporation, and OpenTable, Inc.*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS
MACHINES CORPORATION,
Plaintiff,

v.

THE PRICELINE GROUP INC., et al.,
Defendants.

§
§
§
§
§
§
§
§
§
§
§

Civil Action No. 15-cv-00137-LPS-CJB

ORDER

IT IS HEREBY ORDERED, this ____ day of _____, 2015, that Defendants' Motion to Dismiss is GRANTED, and this action is dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6).

United States District Judge

CERTIFICATE OF SERVICE

I certify that on May 4, 2015, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants. In addition, the foregoing will be served upon counsel of record via electronic mail.

/s/ Francis DiGiovanni

Francis DiGiovanni

80861607.1